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**मोबाईल टॉवर उभारणी संदर्भाने तयार केलेल्या धोरणाच्या मसुदयास जाहीर प्रसिध्दी देणेबाबत.**

**महाराष्ट्र शासन.**

**नगर विकास विभाग,**

**मंत्रालय,मुंबई ४०० ०३२.**

**शासन निर्णय क्र. टिपीएस-१८१०/१९७५/प्र.क्र.२४१७/१०/नवि१३**

**दि. २६ /७/२०११.**

**शासन निर्णय :-** सोबतचे धोरणाचे प्रारुप महाराष्ट्र शासनाच्या www.urban.maharashtra.gov.in या वेबसाईटवर प्रसिध्द करावे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने,

(सुनिल मरळे)
अवर सचिव,महाराष्ट्र शासन.

प्रति,

मा.मुख्यमंत्री,महाराष्ट्र राज्य,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.
मा.मंत्री,पर्यावरण, यांचे स्विय सहाय्यक.
मा. मंत्री,सार्वजनिक,आरोग्य विभाग, यांचे स्विय सहाय्यक.
मा. मंत्री,सार्वजनिक बांधकाम विभाग, यांचे स्विय सहाय्यक.
मा.मंत्री,वैदयकीय शिक्षण व औषधिद्रव्ये विभाग,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.
मा. राज्य मंत्री,पर्यावरण, यांचे स्विय सहाय्यक. यांचे स्विय सहाय्यक.
मा. राज्य मंत्री,सार्वजनिक आरोग्य विभाग यांचे स्विय सहाय्यक.
मा.राज्य मंत्री,सार्वजनिक बांधकाम विभाग यांचे स्विय सहाय्यक.
मा. राज्य मंत्री, वैदयकीय शिक्षण व औषधिद्रव्ये विभाग,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.
मा. राज्यमंत्री,नगर विकास विभाग,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.
मा. मुख्यमंत्र्यांचे प्रधान सचिव,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.
मा.मुख्य सचिव,महाराष्ट्र राज्य,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.
अपर मुख्य सचिव,सार्वजनिक आरोग्य विभाग,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.
प्रधान सचिव-१,नगर विकास विभाग,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.
प्रधान सचिव-२,नगर विकास विभाग,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.
सचिव,वैदयकीय शिक्षण व औषधिद्रव्ये विभाग,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.
सचिव,सार्वजनिक बांधकाम विभाग,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.

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सचिव,पर्यावरण विभाग,मंत्रालय,मुंबई यांचे स्विय सहाय्यक.
सदस्य सचिव,महाराष्ट्र प्रदूषण नियंत्रण मंडळ,सायन,मुंबई
मुख्य कार्यकारी अधिकारी,टेलिकॉम नियमन प्राधिकरण
मुख्य कार्यकारी अधिकारी,भाभा अणुसंशोधन केंद्र
मुख्य कार्यकारी अधिकारी,टाटा मेमोरियल हॉस्पिटल,परळ,मुंबई.
मा. महासंचालक, माहिती व जनसंपर्क महासंचालनालय,मंत्रालय,मुंबई-३२.

(त्यांना विनंती करणेत येते कि, त्यांना या विभागाच्या समक्रमांकाचे दि २६/०७/२०११ चे स्वतंत्र पत्राव्दारे कळविलेल्या प्रेस नोट प्रमाणे राज्यातील सर्व जिल्हयातील प्रमुख वृत्तपत्रांमध्ये या वृत्तास प्रसिध्दी देण्यांत यावी.)

संचालक,नगर रचना,महाराष्ट्र राज्य,पुणे.

(त्यांना विनंती करणेत येते कि, सदर धोरणाचे प्रसिध्दीकरणानंतर ६ आठवडयांमध्ये त्यांचेकडे प्राप्त होणा-या हरकती/सूचना एकत्रितपणे, त्यावर त्यांच्या अभिप्रायांसह शासनाकडे सादर करावयात.)

उप सचिव (नगर रचना),नगर विकास विभाग,मंत्रालय,मुंबई-३२.
कक्ष अधिकारी (नवि २९) नगर विकास विभाग,मंत्रालय,मुंबई-३२.

(त्यांना विनंती करणेत येते कि, त्यांनी सोबतचा शासन निर्णय शासनाच्या वेबसाईटवर त्वरीत प्रसिध्द करण्याबाबत सत्वर कार्यवाही करावी.)

अवर सचिव(नवि-११) / (नवि-३०)
कक्ष अधिकारी (नवि ९) / (नवि-१२)
निवडनस्ती (नवि -१३)

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## DRAFT INSTRUCTIONS

**Sub : Policy for setting of Base station/s / Cellular Sites and installation of the equipments for telecommunication network in State of Maharashtra**

### Preamble

As telecom service providers with the mandate of the Department of Telecommunications Government of India, the operators are committed to provide coverage, and increase teledensity, in Rural as well as Urban areas. The Government of Maharashtra proposes to lay down a policy that would be clear and useful to industry in this regard. This policy would enable the industry's network expansion and efforts to deepen penetration in rural and remote areas.

Government of Maharashtra after examining the issues and problems faced by the telecom operators and after deliberating on the merits of the same deems it fit to issue this draft policy for filing in objections and suggestions for setting of Telecommunication Cell Site / Base station for provisioning of telecommunication network in State of Maharashtra. The objections/ suggestions may be filed within six weeks from the date of publication of the draft policy.

### Applicability

This Policy shall apply to the whole of the State of Maharashtra and shall be implemented by all Municipal Corporations, Municipal Councils, Gram Panchayats and other Local Bodies, empowered to give building permission under the provisions of Maharashtra Regional and Town Planning Act either directly or through the provisions of the Regional Plan.

### Definitions :

**(1) "Local Body/Authority"**

"Local Body / Authority" shall mean and include all Municipal Corporations, Municipal Councils, Gram Panchayats, Collectors, and other designated authorities to whom an application for installation of Telecommunication Equipment is made.

**(2) "Telecommunication Cell Site/Base Station"**

"Telecommunication Cell Site/Base Station" shall for each telecom operator mean and include tower of requisite height and dimensions, delta, single pole antennae, microwave antenna, cabin of requisite dimension for housing equipment, telecom transceiver machinery, related civil work, requisite wires and cables, power supply equipment, Diesel Generator Set / alternate power supply mechanism, cabins/cupboard for housing any/all of the aforesaid items as necessary.

**Application for Installation of Telecommunication Cell Site/Base Station**

1. All applications shall be made to the Local Body by the Telecom Service Provider through a duly authorized Architect who is registered with the Council of Architecture, engaged by the Telecom Service Provider.

2. Documentation : The Application to the local body/ Bodies shall be made along with the following documents :

(a) Property owner/lessee/occupant/society agreement.

(b) Design Parameters / Necessary Drawing of installation.

(c) Structural Safety Stability Certificate of tower from a Licensed Structural Engineer.

(d) Appointment Letter of the Architect.

(e) Requisite fees by way of Cheque in favour of the Local Body.

(f) Proof of Licence from DOT (Department of Telecommunications) along with compliance report of the instructions pertaining to Self Certification regarding the adherance to prescribed Base Stations Emissions.

(g) Certificate from the Maharashtra Pollution Control Board regarding compliance with the prescribed norms for noise levels and smoke levels for the power generating sets provided for Base Stations.

**THIS POLICY WILL BE APPLICABLE FOR ALL EXISTING/PROPOSED BASE STATIONS INSTALLED OR TO BE INSTALLED.**

**3. Fees Structure :**

Telecom Service Providers shall pay to the Local Body a reasonable one-time, all-inclusive, single fee as processing fee. The said fee shall commensurate with the location of the installation with due regard as to whether the area is classified as Urban / Rural / Agricultural / Non-Agricultural / Forest Area as under :

| **Sr. No.** | **Local Body under whose jurisdiction the Telecommunication Equipment / Cell Site is installed.** | **One-time Fees Payable #** |
|---|---|---|
| 1 | Municipal Corporations (except Greater Corporation of Mumbai) | Rs.30,000.00 |
| 2 | Municipal Councils | |
| | Class A | Rs.25000.00 |
| | Class B | Rs.20000.00 |
| | Class C | Rs.15000.00 |
| 3 | Gram Panchayat (gaothan) | Rs.10000.00 |
| 4 | Gram Panchayat (Agricultural land) | Rs.8000.00 |

# This will be over and above Development Charges payable.

**Note :** Policy ref No. CHE/DP/AWAIT/437 dt. 30.4.2002 of Municipal Corporation of Greater Mumbai will continue for Greater Mumbai.

Other than these fees, no other charges, levies, taxes, non-agriculture fees, Municipal Taxes etc. of any nature should be charged for the Cellular Sites except property taxes for the tower and appurtenant uses.

4. The approvals shall be granted in the same manner prescribed under sections 44 to 47 of Maharashtra Regional and Town Planning Act, 1966.

5. If the Local Body does not give any response to the applications within a period of 60 days from the date of submission, the said application by the Telecom Operators shall be deemed to have been approved as per section 45 of the M.R. & T.P. Act, 1966.

6. The Telecom Operators shall file a fresh Structural Stability Certificate at the end of every three years from the date of first application by the Telecom Operators.

7. No permission for installation of Telecommunication Cell Site / Base Station shall be granted on buildings, which are unauthorised **structurally unsafe**. If permission for installation of such structures are granted on buildings, which may be declared as unauthorised at a later point of time, the Local Authority shall have every right to demolish the said building through the due process of law. While undertaking such a demolition, the Local Authority will not be under any obligation to send prior intimation to the owner of the tower, nor will it be liable for loss of the tower as a consequence of demolition of the unauthorised building. The operators shall indemnify Local Authority to this effect.

8. Notwithstanding anything, Local Authority may require demolition / removal of Telecommunication Cell Site put on such illegal buildings and structures after ISSUING an advance notice of 30 days to the concerned Telecom Service Provider.

9. Any complaint concerning ILLEGAL USE OR CONSTRUCTION of the building, location of the tower or other complaints/queries of any nature regarding the installation of telecommunication equipment, the Local Body shall intimate the concerned Telecom Operator of the same with a direction to resolve the matter under intimation to the Local Body.

10. The Licensees shall try to share the towers for fixing their respective antennas provided that the prescribed conditions are duly fulfilled so as to ensure curtailing of multiple towers and optimizing the use of the existing ones.

11. The existing mobile towers **not conforming** to any of the above Regulations, should be removed within two years of these instructions. **However, operation of mobile tower shall be discontinued within a period of twenty four hours from receipt of notice to that effect.**

12. The conditions for DG Sets used for mobile towers shall be as per the provisions under Environment (Protection) Act, 1986 and the Noise Pollution (Regulation and Control) Rules, 2000 as amended from time to time.

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